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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/700,384	01/02/2001	Masahichi Kishi	566.39297X00 3620		
75	90 04/23/2004	EXAMINER			
Antonelli Terry Stout & Kraus 1300 North Seventeenth Street Suite 1800 Arlington, VA 22209			PEZZLO, JOHN		
			ART UNIT	PAPER NUMBER	
			2662		
			DATE MAILED: 04/23/2004	b	

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.   Application No.   Applicant(s)					Ţ				
## Disposition of Claims  ### April Disposition of Claims  #### April Disposition of Claims  ##### April Disposition of Claims  ###### April Disposition of Claims  ###### April Disposition of Claims  ########## April Disposition of Claims  ###################################			Application	on No.	Applicant(s)				
John Pezzlo   2562			09/700,38	34	KISHI, MASAHICHI				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edecised to time may be available under the provisions of 3 CER 1.136(a). In no ovent, however, may a reply be timely filled  state 30 KM MALINE from the maining date of this communication  state 30 KM MALINE from the maining date of this communication  state 30 KM MALINE from the maining date of this communication  state 30 KM MALINE from the maining date of this communication  state 30 KM MALINE from the maining date of this communication  1 NO period for early is specified above, the maximum statutory period will appear will be greatly of this provision of this typic of this communication to second ABANCHED (33 U.S.C. § 133).  Second patient form adjustment. Sea 37 CFR 1.704(b).  Status  1) ☑ Responsive to communication(s) filled on @2 January 2001.  2a ☐ This action is FINAL. 2b ☑ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) ½ is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 ☑ Claim(s) ½ and 2 12-15 is/are allowed.  6 ☑ Claim(s) ½ and 2 11 is/are objected to .  8) ☐ Claim(s) ½ and 2 11 is/are objected to .  8) ☐ Claim(s) ½ and 2 11 is/are vibjected.  7) ☑ Claim(s) ½ and 2 11 is/are vibjected.  10 ☐ The drawing(s) filled on		Office Action Summary	Examiner		Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.13(d), in no event, however, may a teply be limity filed after SIX (8) MONTHS from the mailing date of this communication.  If NO provide or may be available under the provisions of 37 CFR 1.13(d), in no event, however, may a teply be limity (30) days will be considered into the SIX (8) MONTHS from the mailing date of the communication.  If NO provide or the Six (8) MONTHS from the mailing date of the communication or the six (8) MONTHS from the mailing date of the communication. Fallows to reply with the set of controlled period for reply will, by statute, cause the application to become ABANDONED (38 U.S.C. § 133). Any velay revoked by the Six dies the third than the real months after the mailing date of this communication, even if threely filed, may veduce any example of the set of the communication of the set of the communication of the set of the set of the communication of the set of the communication of the set of									
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Art Unit: 2662

#### DETAILED ACTION

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- I. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho (US 6,072,785).
- 1. Regarding claims 1 and 4 Ho discloses a transmitting side, refer to Figure 1.

Ho discloses a means for obtaining a primary modulated wave by performing differential coding phase modulation on a carrier signal in accordance with information, refer to Figure 1 callouts 11, 12, and 13 and column 1 line 49 to column 2 line 7 and column 2 lines 41 to 67.

Ho discloses a means for generating a spread signal including a plurality of transmission segments, by multiplying said primary modulated wave by a spread code repeatedly a plurality of times within a symbol period, and for transmitting said generated spread signal, refer to Figure 1 callouts 11, 12, and 13 and column 1 line 49 to column 2 line 7 and column 2 lines 41 to 67.

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Ho discloses a receiving side, refer to Figure 2.

Ho discloses a means for detecting a phase difference between a past symbol and a present symbol, by performing quasi-synchronous detection and dispreading, and difference operation, refer to Figure 2 and column 3 lines 4 to 39.

Ho discloses a means for outputting the detected phase difference as information of said symbol, refer to Figure 2 and column 3 lines 4 to 39.

2. Regarding claims 4 and 7 – Ho discloses a means for regenerating the information by dispreading, said dispreading being performed by obtaining a sum of values that, in turn, are obtained by multiplying transmission segments of the received spread signal by corresponding despread code sequences, refer to Figure 2 and column 3 lines 4 to 39.

Ho discloses said means for regenerating on the receiving side performs said dispreading in virtual segments defined being superposed on the transmission segments, refer to Figure 2 and column 3 lines 4 to 39.

## Allowable Subject Matter

Claims 5, 6, and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 3, and 12-15 are allowable over the prior art of record.

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### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1. Ho et al. (US 6,072,770) discloses a method and system providing unified DPSK-PSK signaling for communications.
- 2. Magill (US 5,729,570) discloses an orthogonal code division multiple access communication system having multicarrier modulation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 872-9306

Application/Control Number: 09/700,384

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For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

19 April 2004

JOHN PEZZLO
PRIMARY EXAMINER